



COMMUNITY DEVELOPMENT DEPARTMENT

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PLANNING COMMISSION MEETING MINUTES

REGULAR MEETING

JANUARY 23, 2007

PRESENT: Acevedo, Koepp-Baker, Escobar, Lyle, Mueller

ABSENT: Benich, Davenport

LATE: None

STAFF: Planning Manager (PM) Rowe, Senior Planner (SP) Linder, and Minutes Clerk Johnson.

Vice-Chair Escobar called the meeting to order at 7:01 p.m., inviting all present to join the pledge of allegiance to the flag.

DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

OPPORTUNITY FOR PUBLIC COMMENT

With none present to address matters not appearing on the agenda, Vice Chair Escobar closed the public comment period.

MINUTES:

JANUARY 9, 2007 COMMISSIONERS MUELLER/KOEPP-BAKER MOTIONED TO APPROVE THE JANUARY 9, 2007 MINUTES WITH THE FOLLOWING REVISIONS:

Page 3, paragraph 5, line 2 (add for clarification): Commissioner Acevedo pointed out that these appear to be two separate use permit requests, with no known use permit at this location. He stated that policy had been explained several times regarding obtaining a use permit on separate parcels, and since this is a new location for this business; it would appear that a new use permit would be needed. "I don't know how we can just transfer the existing use permit to this location," Commissioner Acevedo said.

Page 7, paragraph 9, line 7: ~~reduced~~ *approved* (i.e., no retail component, no timely completion, or not designed to be compatible with the downtown plan)

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THE MOTION CARRIED (5-0-0-2) BY THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: BENICH, DAVENPORT.

*Vice-Chair Escobar announced that **agenda item 2** would be taken out of sequence and heard first on the agenda.*

PUBLIC HEARING:

2) RDCS QUARTERLY REPORT

Quarterly review of the progress of residential projects that have been awarded building allocations under the City's Residential Development Control System (RDCS).

PM Rowe presented the staff report, noting it is required that the Planning Commission review the progress of all projects receiving allocations during the Measure C (and now Measure F) competitions. If satisfactory progress is not being made, and then the Planning Commission is able to take action, which can result in rescission and redistribution of building allotments to projects which are slated for completion within required time frames, PM Rowe advised.

The status of all the projects had been charted and distributed, with the entitlements pending noted under progress of projects, PM Rowe said. Noting that the numbers of *behind schedule* were greater than previously, PM Rowe said housing economics could be a root cause.

We are proposing to talk to all the developers to ascertain the need to amend their development schedules," PM Rowe, "and also to determine if it would be viable to 'trade' the current year for next year's allocation' for those that are behind." He also noted that the revision (relating to item 1) had been distributed with the FY 2008-09 allotment was planned and an explanation will be provided during discussion of that item.

Commissioner Mueller asked about the Habitat for Humanity project [which should 'clean up' the six units from a really old project], inquiring, "Is it still moving?" SP Linder responded, "It is seeing progress, albeit, slowly, the workers for Habitat have been in contact with the City." Commissioner Mueller continued by asking, "How many projects will actually be built this year – I think we are behind." (Commissioner Lyle agreed.)

PM Rowe said, "In general, we are seeing about 530 units to build in FY 2005-06 and FY 2006-07. Some of the units are stalled." Commissioner Lyle commented it appears that the FY 2005-06 projects are 'pulling permits ok'. Staff concurred with that report.

COMMISSIONER MUELLER MOTIONED TO APPROVE THE RDCS QUARTERLY REPORT AS RECEIVED; AND SEND THE REPORT TO THE CITY COUNCIL, WITH DIRECTION TO STAFF TO SUMMARIZE THE REPORT TO THE COUNCIL AT A VERY 'HIGH LEVEL'. COMMISSIONER KOEPP-BAKER SECONDED THE MOTION, WHICH

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PASSED (5-0-2) BY THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: BENICH, DAVENPORT.

The regular order of the agenda was resumed.

Commissioner Lyle was excused for the next item (agenda item 1) at 7:10 PM as he lives in the area.

**1) ZAA-04-01/
DAA-04-08A:
TILTON-GLENROCK**

A request to amend the precise development plan and development agreement, defining phases 7 – 10 of the Capriano subdivision located on the west side of Hale Ave., south of Tilton Ave.

SP Linder gave the staff report, noting the zoning and saying the construction had been in progress for some five years, with phases 1 - 6 completed and phase 7 well underway. SP Linder advised this request was before the Commissioners because a new developer had been bought into the project. Dividend Homes is now the developer and has requested that for phases 8 and 9, they be permitted to use a new design (which is their own). SP Linder further advised that the Commissioners would need to look at the different BMR locations and sizes being requested. Furthermore, SP Linder said, there is also a change being requested in the development agreement, with the amendment to ‘commencement of construction’.

Turning to a matter mentioned during discussion of item 2, SP Linder noted that in the applicant is requesting amendment to other dates within the development agreement and that portion of the request would be handle in February or March when the Commissioners look at a ‘mass amendment’ process for many of the development agreements. SP Linder advised that the developer is now asking for an exemption for exception, due to the lapse in time production not being the fault of the developer.

SP Linder continued, advising that the RPD was approved in June 2005, and contained many requirements (staff report: pages 1 and 2), and that the project is ‘generally in compliance’. However, she said, item 3 (phasing of BMR units) has caused some question. Consequently, the revised plans from Dividend Homes require alteration of the previously approved lot sizes, unit sizes and location of the project BMRs, moderates, granny units and single story homes. The chart on page 3 of the staff report was explained by SP Linder, and it was noted that in comparison to requirement 3 of the previous agreement, this chart showed differences. SP Linder said the new proposal advances the moderate(s) to phase 7 with one BMR moved from Phase 10. The recommendation from Staff, SP Linder said, is that *requirement 3* of Ordinance 1724 is amended to comply with the current proposal since it advances units, as indicated in the chart on page 3 of the staff report.

Of further concern, SP Linder detailed how the current plan does not show the BMRs sizes previously agreed (minimum 1450 SF) and as committed in the project’s RDCS application. With a disparity of 1150 SF, it is recommended that the four BMRs be increased to a minimum of 1450 SF and changed to include a 20ft. by 20 ft. garage.

SP Linder provided an overview of the request for the 7-month and 3-month

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Exception to the Loss of Building Allocation for FY 2006-07 and 2007-08: reasons stated – Dividend Homes has become a ‘player late in the game’ and the current Market slowdown is causing concern. The Exception to the Loss of Building Allocation (ELBA) has been declared not the fault of the developer.

Attention to minor modifications in the prepared resolutions was observed.

Disclosure: Commissioners Acevedo and Koepp-Baker stated they had discussed this agenda item with Mr. Garcia, and Commissioner Mueller had met with Mr. Oliver.

Vice-Chair Escobar opened the public hearing.

Rocke Garcia, 1000 Old Quarry Road, thanked SP Linder for her assistance in the progression of this matter. “Ms. Linder noted in the staff report that we have ‘front loaded’ in some of the phases. We have also ‘front loaded’ all the way through with the improvements. Currently, we are putting in all the offsite improvements for the next phase, as we want to be ready when the market returns,” Mr. Garcia said. He also provided clarification that in Phase 6 the single-story BMR units (3 bedrooms were 1275 SF) and the 4 bedroom were 1450 SF. Now, all the BMRs will be two-stories with 1450+ SF.

Dick Oliver, 385 Woodview Ave, #100, said he will now be known as the developer who found the 1,000 year-old Native American. For the information of the Commissioners, Mr. Oliver explained that while working on a construction site across the street from Coyote Creek Park the remains had been found. “We are working with City and State to follow proper procedures for dealing with this matter. The find that was made is a single skeleton (a head believed to be about 1,000 years old) and was within five feet of the road. This is the first time in 37 years of working in construction that I’ve had this kind of experience,” Mr. Oliver said.

Turning to the current discussion, Mr. Oliver said he wished to clarify a couple of items:

- the map SP Linder displayed has the ‘right layout, but the footprints don’t match’ [footprints submitted by MH Engineering are different] The map will be readjusted and made correct.
- there will still be 24 single-story dwellings; therefore there will be an increase in the BMRs from single to 2-story units. “Actually,” Mr. Oliver said, “we will be doing the units at slightly over 1500 SF so they will be similar to the other units being built.”

Mr. Oliver explained that he has applied for waiver for loss of allocations. “Hopefully this will be granted with the matter to be addressed subsequently. We will be working with the Planning Commission to make it work,” Mr. Oliver affirmed. “Many of the projects which got allocations at the same time are in the same boat, and it makes more sense to do all the adjustments simultaneously and with consistency.” (Reference is to the statements by SP Linder regarding the planned February or March consideration of a ‘mass amendment’ process for many of the development agreements.) Mr. Oliver stated that the lenders are looking closely at such a possibility. Mr. Oliver said that his company is now developing phase 7, with 24 units

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built and about 12 sold. He told briefly of the advertising efforts being made. "I think now that the holidays are over, things will pick up," Mr. Oliver said in concluding discussion with the Commissioners.

The Commissioners discussed:

- BMRs number correct (Mr. Oliver said 5 BMRs are indicated, but actually 6 will be needed and will 'fit')
- only 24 single-story units total
- lot layout (SP Linder clarified lot layouts will remain the same, but the footprints are different; therefore the developer requests adjustments)
- lots will not be bigger, just varied
- single-story BMR footprint will change to two story
- clarified the correct number of BMRs shown on map
- developer would like flexibility if the BMRs do not fit change will be made in the general area now shown

SP Linder reminded that there must be substantial agreement with the original map and 'anything major' {e.g., changes} would cause the map to have to be returned to the Planning Department and the Planning Commission.

Vice-Chair Escobar clarified that the exception requested can be achieved.

The modifications to the prepared resolutions were accepted by the applicant.

With no others present to speak to the matter, the public hearing was closed.

COMMISSIONER MUELLER OFFERED A RESOLUTION RECOMMENDING APPROVAL OF AN AMENDMENT TO A RESIDENTIAL PLANNED DEVELOPMENT ON A 67-ACRE SITE LOCATED ON THE EAST SIDE OF HALE AVE., SOUTH OF TILTON AVE. ADJACENT TO THE WEST OF THE RAILROAD TRACKS, WITH THE FOLLOWING MODIFICATION:

page 2 #3:....BMRs with the 14 12 2008-09 allocations

THE SECOND TO THE MOTION WAS PROVIDED BY COMMISSIONER KOEPP-BAKER, WITH NOTICE OF THE FINDINGS AND CONDITIONS CONTAINED THEREIN. THE MOTION PASSED (4-0-3) WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, ESCOBAR, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: BENICH, DAVENPORT, LYLE.

COMMISSIONER MUELLER OFFERED A RESOLUTION RECOMMENDING APPROVAL OF DEVELOPMENT AGREEMENT AMENDMENT APPLICATION, DAA-04-08A FOR APPLICATION MP-02-03: TILTON-GLENROCK TO ALLOW FOR A SEVEN-MONTH AND A THREE-MONTH EXCEPTION TO THE LOSS OF BUILDING ALLOCATIONS RECEIVED IN THE 2003 RDCS COMPETITION FOR FISCAL YEARS (FY) 2006-07 AND 2007-08, RESPECTIVELY, TOGETHER WITH THE FINDINGS AND CONDITIONS CONTAINED THEREIN AND WITH THE

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FOLLOWING MODIFICATION:

6th Whereas {addition}:project by a new *developer* and the current....

COMMISSIONER KOEPP-BAKER SECONDED THE MOTION, WHICH PASSED (4-0-3) BY THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, ESCOBAR, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: BENICH, DAVENPORT, LYLE.

ANNOUNCEMENTS:

PM Rowe reported that at the January 17, 2007 City Council meeting, approval was given per the Planning Commission recommendation of the Development Agreement Monterey-Gunter. PM Rowe stated this is the first of the downtown vertical-mixed projects and is located across from Britton School.

PM Rowe gave an overview of the presentation of a local community bus program based on a successful pilot project in Los Gatos. The Los Gatos Community Bus program began as a shuttle service to their new light rail station. The service began in 2005 and featured the replacement of larger buses, 40 foot buses with smaller 25 foot/28 passenger buses on more flexible bus routes. In Morgan Hill, the smaller buses would operate local routes 15 and 16. PM Rowe explained that the City appointed stakeholders to meet with VTA staff to provide information on how public transportation under the Community Bus Program can be changed to better meet constituently needs. Noting that the timeline for development of a plan for community bus service in Morgan Hill to commence is July 2007, PM Rowe told of the points in the presentation which can be utilized here.

Commissioner Mueller called attention to the City's web site which contains data on the Industrial Land Use Study: how much is need and what types. He also noticed the information on the expanded and new recreational use in the southwest quantrant of the City, which has been extrapolated from the Urban Land Use Study. PM Rowe indicated that these matters will be referenced at the City Council meeting of January 24, 2007.

ADJOURNMENT:

Noting that there was no further business to come before the Commissioners at this meeting, Vice-Chair Escobar adjourned the meeting at 7:40 p.m.

MINUTES PREPARED BY:

JUDI H. JOHNSON, Minutes Clerk